

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|----------------------------------|---|----------------|
| ROBERT S. KELLY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| UNITED STATES OF AMERICA, BOP |) | No. 23 C 15885 |
| OFFICER TAWANA F. INGRAM, |) | |
| UNKNOWN JOHN AND JANE DOE BOP |) | Judge Bucklo |
| OFFICERS, and LATASHA KEBE (also |) | |
| known as "TASHA K"), |) | |
| |) | |
| Defendants. |) | |

UNITED STATES' RESPONSE TO PLAINTIFF'S MOTION TO VACATE

Defendant the United States of America, by Andrew S. Boutros, United States Attorney for the Northern District of Illinois, responds to plaintiff Robert S. Kelly's motion to vacate the judgment (Dkt. 57) as follows:

1. Plaintiff's failure to prosecute this lawsuit stretches back to October 2024, when the United States served discovery requests on plaintiff that were never responded to. More recently, the court warned plaintiff's counsel on June 12 that failure to file a status report by July 3 could result in dismissal. Dkt. 54. Counsel could have avoided dismissal by filing a status report any time during that three-week period.

2. Accordingly, the court's decision to dismiss the case for want of prosecution was amply justified. Fed. R. Civ. P. 41(b) (court may dismiss case if plaintiff "fails to prosecute"); *Washington v. Walker*, 734 F.2d 1237, 1238 (7th Cir. 1984) ("Rule 41(b) serves not only to protect defendants but also to aid courts in keeping administrative control over their own dockets and to deter other litigants from engaging in similar dilatory behavior."); *Locascio v. Teletype Co.*, 694

F.2d 497, 499 (7th Cir. 1982) (appellate court “will not disturb” dismissal for want of prosecution “unless it is clear that no reasonable person could concur in the trial court’s assessment of the issue”).

WHEREFORE, the motion to vacate should be denied.

Respectfully submitted,

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